

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 VIOLA GARCIA,

4 Plaintiff

5 v.

6 NANCY A. BERRYHILL,

7 Defendant

Case No.: 2:18-cv-00631-APG-NJK

**Order Accepting Report and
Recommendation, Denying Motion for
Remand, and Granting Motion to Affirm**

[ECF Nos. 19, 22, 24]

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9 On December 17, 2018, Magistrate Judge Koppe recommended that I deny plaintiff Viola
10 Garcia's motion to remand and grant the defendant's motion to affirm. ECF No. 24. Garcia did
11 not file an objection. Thus, I am not obligated to conduct a de novo review of the report and
12 recommendation. 28 U.S.C. § 636(b)(1) (requiring district courts to "make a de novo
13 determination of those portions of the report or specified proposed findings to which objection is
14 made"); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the
15 district judge must review the magistrate judge's findings and recommendations de novo *if*
16 *objection is made*, but not otherwise" (emphasis in original)).

17 IT IS THEREFORE ORDERED that Magistrate Judge Koppe's report and
18 recommendation (**ECF No. 24**) is **accepted**, plaintiff Viola Garcia's motion to remand (**ECF No.**
19 **19**) is **DENIED**, and defendant's motion to affirm (**ECF No. 22**) is **GRANTED**. The clerk of
20 court is instructed to enter judgment in favor of the defendant and against the plaintiff.

21 DATED this 3rd day of January, 2019.

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ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE